

ORIGINAL  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

Walter Wayne Wolford

INMATE# 31455

Dorm 9

P.O. Box 1 Huttonsville W.Va 26273

FILED

DEC - 8 2003

TERESA L. DEPPNER, CLERK  
U.S. District & Bankruptcy Courts  
Southern District of West Virginia

(Enter above the full name of the plaintiff  
or plaintiffs in this action).

VERSUS

CIVIL ACTION NO. 2:03-2421

Randle

(Number to be assigned by Court)

1. Capt. ~~Randle~~ White, Boone County Deputy Sheriff, WVa

2. Officer, Goodwin, Boone County Deputy Sheriff, WVa

3. Officer, William Toler, Wyoming County Deputy Sheriff, WVa

4. Officer, Phillips, Wyoming County Deputy Sheriff, WVa

5. Officer, Lusk, Oceana Town of WVa city police officer

(Enter above the full name of the defendant in their individual and official capacities...  
or defendants in this action).

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes ☐

No ☒

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

N/A

Plaintiffs:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendants:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county):

N/A

\_\_\_\_\_  
\_\_\_\_\_

3. Docket Number:

N/A

4. Name of judge to whom case was assigned:

N/A

\_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Approximate date of filing lawsuit:

N/A

7. Approximate date of disposition:

N/A

\_\_\_\_\_

II. Place of Present Confinement: Huttonsville Correctional Center

A. Is there a prisoner grievance procedure in this institution?

Yes ✓

No       

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes       

No ✓

C. If your answer is YES:

1. What steps did you take? N/A

2. What was the result? N/A

D. If your answer is NO, explain why not: Because this complaint happened before I was taken to jail or prison.

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Walter Wayne Wolford <sup>#31455</sup> <sub>Dorm #9</sub>

Address: P.O. Box 1 Huttonsville, W.Va 26273

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions,

and places of employment of any additional defendants.)

B. Defendant Capt. Randle White

is employed as Boone County WVa, Deputy Sheriff  
at Madison WVa

C. Additional Defendants: Officer Goodwin, Boone County WVa Deputy Sheriff at

officer, William Toler, Wyoming County Deputy Sheriff, Pineville WVa

officer, Phillips, Wyoming County WVa Deputy Sheriff, Pineville WVa

Officer, Lusk, Oceana WVa City Police Officer in Oceana WVa

#### IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary.)

"I would like to make it known. I want a jury to hear and decide this case."

On 1-9-02 at about 5:30 AM, I Walter Wayne Wolford was apprehended and arrested for Fleeing after a short chase. When I was stopped and approached by officers, Capt Randle White, Officer Goodwin, officer William Toler, Officer Phillips and Officer Lusk! At this time I raised my hands where the officers could see them and Officer William Toler came up and opened my drivers side door with pistol drawn and reached in and grabbed me by my hair and pulled me out of the truck and at that moment Capt. Randle White struck me in the lower back with the butt of a shotgun and Officer William Toler, while holding me by the hair began striking me in the back of the head with his pistol.

Pages added Attached...

## Statement of Claim

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Officer Toler and Officer White continued to hit me at least two more times each and their blows knocked me to the ground on my face (I did not resist) and then while I was on the ground (not resisting) continued to strike me in the head and lower back with their weapons. Over and over and over they struck me, so many times I lost count and was at the edge of unconsciousness and sometime during this beating an automobile pulled up to the scene and stopped, because the highway was blocked, and a couple men got out and walked over to where this beating was happening. OK, while this beating was going on officer Lusk, officer Phillips and officer Goodwin were present and I believe it was officer Goodwin who finally put the cuffs on me. Then officer Goodwin picked me up and held me up. Then officer Toler struck me in the back of the head again with his pistol and said (quote) "I would beat you to death Mother Fucker if it wasn't for witnesses" Then Capt. White stuck his shotgun to my forehead and said (quote) "I would blow your brains out if it wasn't for witnesses". At this point I was taken to the cruiser and taken to the Boone County Sheriff's dept. Along the way to the Sheriff's office officer White commented once that I was lucky to be alive. Later I was taken to South Western Regional Jail and booked and placed in observation and then placed in their hospital for around five days and ~~was~~ <sup>I</sup> was, -

## Statement of Claim

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Urinating blood! The doctor at Southwestern Regional Jail did an Xray of my lower back and told me that I needed surgery but that he couldn't give it to me and that SouthWestern Regional Jail would not pay for it. Later I got out on bond and went to a Doctor in Manassas Va and he did an MRI scan of my lower back; at that point he sent me to specialists and five doctors between Beckley Va Veterans hospital and Richmond Va Veterans Hospital and they all told me that I have irreversable nerve damage to the L5 vertibrey of my spine! My claim is that due to the way that these officers listed in this complaint beat me while I was totally submissive that they violated my civil rights by the perpetration of the use of excessive force during my arrest and conspiracy to violate my civil rights while in their official capacity as police officers. Two officers beat me while the other three watched on and did not do their sworn duty to stop it. Making them as guilty (Accessory) as if they had beat me to. And, Also since the officers broke the law by the Brutality that they perpetrated upon me they stepped out from under the cloke of the law that protects them as individuals., my injuries giving me the right to claim money damages.

## V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

- #1. I want a federal investigation to be started on the five officers who are defendants in this suit about the beating that they did to me and charges filed on them concerning the beating, that can be proved by getting my medical records and the videos that were filmed from the police cruisers.
- #2. I want them to pay me five hundred thousand dollars each as compensation for the beating they did to me.
- #3. I want them to pay me five hundred thousand dollars each for the pain and suffering that they caused me (past and future).
- #4. I want them to pay me five hundred thousand dollars each for punitive damages for their deliberate actions against me in this beating.

Signed this 4 day of December, 2003.

Walter Wolford

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4/12/2003 - December 4, 2003  
(Date)

Walter W. Wolford  
Signature of Movant/Plaintiff

\_\_\_\_\_  
Signature of Attorney  
(If any)

FW-7-8